RECEIVED 1998 ERNEST WILLIAMS, Plaintiff, STATE OF WASHINGTON, et al., Defendants.

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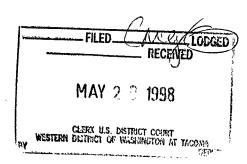
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## UNITED STATES DISTRICT COURT WESTERN DISTRICT OF WASHINGTON AT TACOMA

Case No. C98-5021RJB

ORDER DISMISSING ACTION PURSUANT TO 28 U.S.C §1915(e)(2)(B) AND 28 U.S.C.§1915A(b)(1)

The Court, having reviewed plaintiffs complaint, the Report and Recommendation of Judge J.

Kelley Arnold, United States Magistrate Judge, and the remaining record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation;
- (2) The complaint and plaintiff's causes of action are DISMISSED as frivolous and for failure to state a\_claim pursuant to 28 U.S.C. § 1915(e)(2)(B) and 28 U.S.C. §1915A(b)(1);
- (3) Plaintiff is not precluded from filing a habeas corpus petition related to the current criminal case after he exhausts his state court remedies; and
- (4) The Clerk is directed dismiss this action pursuant to 28 U.S.C. §1915(e)(2)(B) and 28 U.S.C. §1915A(b)(1) and to send copies of this Order to plaintiff, to the Hon. J. Kelley Arnold, and to the Office of the Attorney General.

DATED this // day of

RØBERT J. BRYAN

United States District Judge

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